

## REMARKS

Reconsideration of the present application is respectfully requested. The Examiner is thanked for the indication that claims 32-37 are allowed and that claims 13, 15 and 16 are objected to as being dependent upon a rejected based claim but will be allowable if rewritten in independent including all of the limitations of the base claim and any intervening claims. Claims 13, 15 and 16 have been represented in independent form and new claims 45-62 have been presented to further define aspects of the present application.

A typographical error in claim 32 has been corrected. The scope of the claim has not changed and the correct spelling of the word should enable the examiner to pass the claim to issuance.

Claims 10-12, 14, 17, 18, and 21-23 were rejected under 35 U.S.C. §102 as being anticipated by U. S. Patent No. 2,998,634 to Raehrs et al. Applicant respectfully traverses the §102 rejection of the claims based upon the '634 reference. It is well settled that the Commissioner, through the Examiner, bears the initial duty of supplying the factual basis supporting a rejection of a patent application, including a rejection under 35 U.S.C. § 102. *See, In re Warner* 154 USPQ 173, 177 (C.C.P.A 1967). Not only does a rejection founded under 35 U.S.C. § 102 “require[s] the disclosure in a single prior art reference of each element of the claim under consideration” (*See, W.L. Gore and Assocs. Inc. v. Garlock*, 220 USPQ 303, 313 (Fed. Cir. 1983)) but it further requires that “each and every element of the claimed invention, [must be] arranged as in the claim.” *See, Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 221 USPQ 481,

485 (Fed. Cir. 1984). “The identical invention must be shown in as complete detail as contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, as amended, provides that the plurality of support members and plurality of spacers and the cutting insert are aligned in a row which extends in the direction of travel for cutting. In contrast the ‘634 reference discloses that the bits 25 are received in recesses 18 and 19 extending parallel to the front and rear surfaces of the bit carrier. Col. 2, l. 45-48. The recesses 18 and 19 are transverse to the direction of cutting for the tool as indicated by arrow “A” in Fig. 1. Upon further review of the ‘634 reference it is disclosed that the bits in recess 19 are in staggered relation to the bits in recess 18. Col. 3, l. 40-42. The ‘634 reference fails to disclose each of the limitations of the invention of claim 10 and therefore the Examiner is respectfully requested to withdraw the §102 rejection.

Dependent claims 12, 14, 17-23 and 45-62 are at least allowable as they depend from independent claims that are believed allowable over the cited art.

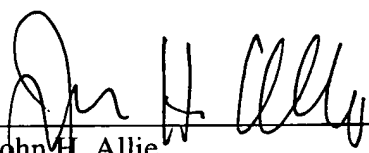
Dependent claim 14 recites that the cutting insert has a lateral support surface that contacts the support member and has a contour that minimizes lateral movement of the cutting insert. Upon review of the ‘634 reference there is not noted any disclosure of a contour for minimizing lateral movement of the cutting insert. Withdrawal of the §102 rejection of claim 14 is respectfully requested.

Dependent claim 23 includes quick change tool means for coupling the broach assembly to a broaching machine. In examining a claim including means-plus-function language the United States Patent Office must construe the “means” as limited to that

disclosed in the specification or an equivalent thereto. In re Donaldson Company, Inc.,  
16 F.3d. 1189, 1197 (Fed. Cir 1994). The Applicant respectfully requests that the claim  
be examined under the direction set forth by the Court of Appeals for the Federal Circuit.

In view of the foregoing it is submitted that this application which includes claims  
10, 12-23, 32-37 and 45-62 is in condition for allowance. The issuance of a Notice of  
Allowance at an early date is respectfully requested. The Examiner is encouraged to  
contact the undersigned by telephone to resolve any outstanding matters concerning this  
application.

Respectfully submitted,

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